

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

|                                   |   |                 |
|-----------------------------------|---|-----------------|
| <b>ELIZABETH HIGGINS, et al.,</b> | ) |                 |
|                                   | ) |                 |
| <b>Plaintiffs,</b>                | ) | <b>8:08CV15</b> |
|                                   | ) |                 |
| <b>vs.</b>                        | ) | <b>ORDER</b>    |
|                                   | ) |                 |
| <b>JOACHIM DANKIW, et al.,</b>    | ) |                 |
|                                   | ) |                 |
| <b>Defendants.</b>                | ) |                 |

This matter is before the court on the plaintiffs' Motion to Reconsider Denial of Clerk's Entry of Default (Filing No. 20), Motion to Set Aside or Vacate Premature Order Granting Leave to Defendants to File Motion to Dismiss Out of Time (Filing No. 22) and Motion to Shorten Time for Defendants' Response to Plaintiffs' Motion to Set Aside or Vacate Premature Order Granting Leave to Defendants to File Motion to Dismiss Out of Time (Filing No. 24). The plaintiffs seek reconsideration and to be allowed briefing on the issues resolved by the court's March 27, 2008 Order (Filing No. 19). Relevant here, the March 27, 2008 Order denied the plaintiffs' Motion for Clerk's Entry of Default (Filing No. 14) and granted the defendants' Motion for Leave to File Motion to Dismiss Out of Time (Filing No. 15). Although the court found no additional briefing was necessary on the matters, the plaintiffs seek leave to brief the issues. Under the circumstances, the court will grant the plaintiffs' motion for reconsideration in order to allow additional briefing on a shortened briefing schedule. Further, the court will suspend operation of the March 27, 2008 Order as it relates to the plaintiffs' current motions. Accordingly,

**IT IS ORDERED:**

1. The plaintiffs' Motion to Reconsider Denial of Clerk's Entry of Default (Filing No. 20) is granted.
2. The plaintiffs' Motion to Set Aside or Vacate Premature Order Granting Leave to Defendants to File Motion to Dismiss Out of Time (Filing No. 22) is granted to the extent that operation of the Order (Filing No. 19), with respect to the plaintiffs' Motion (Filing No. 14) and the defendants' Motion (Filing No. 15), is suspended.

3. The plaintiffs' Motion to Shorten Time for Defendants' Response to Plaintiffs' Motion to Set Aside or Vacate Premature Order Granting Leave to Defendants to File Motion to Dismiss Out of Time (Filing No. 24) is granted.

4. The plaintiffs shall have **until April 8, 2008**, to respond to the defendants' Motion for Leave to File Motion to Dismiss Out of Time (Filing No. 15). The defendants will then have **until April 14, 2008**, to file a reply.

DATED this 31st day of March, 2008.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge